recently issued patents with claims similar to the language used in claims 26–30. For example, USP 6,202,159 issued on March 13, 2001 has the following claim language:

22. An article of manufacturing:

a program medium executable in a computer system for conducting electronic business between message sources running in a secure vault contained in a controller, the

program medium comprising:

program instructions for listening to the message source and receiving messages;

program instructions responding to the messages and forming an event object;

program instructions responsive to the event object for parsing the message and extracting an application domain, a local context, and an application alias name;

program instruction for locating the application domain and application alias name in a shared library; and

program instruction for executing user requests in the application and providing a response to the controller for transmission to the user in a non–stateless environment.

23. An article of manufacturing:

a program medium executable in a computer system for conducting electronic business between a message source and an application running in a secure vault contained in a

controller, the program medium comprising:

program instructions for listening to requests from the message source;

program instructions forming an event object from the requests;

program instructions parsing the requests and extracting an application domain, a local context and an application alias name;

program instructions determining the location and function of the application and function name in a shared library;

program instructions loading the application in the shared library;

program instructions mapping the application to a function pointer;

program instructions queuing a request to a server pool for execution of the application; and

program instructions providing a message source with a response to the request. [Emphasis supplied].

Similarly, USP 6,275,984 issued on August 14, 2001 has the following claim language.

12. A system for delaying register offset resolution, comprising:

program code stored in a memory, the program code comprising a set of ***program instructions***;

a set of offset register lists stored in the memory, each one of the set of offset register lists corresponding to a single register; and

a compiler for examining the ***program instructions*** and entering offset values contained in the

program instructions into selected ones of the set of offset register lists. [Emphasis supplied].

As another example, USP 6,253,279 issued on June 26, 2001 has the following language.

10. A system for determining a data layout geometry of a portion to be mapped of a disk drive, comprising:

a processor;

a disk drive adapter coupling the processor to the disk drive; and

a memory containing **_program instructions_**, executable by the processor to perform the steps of:

(A) accessing a totality of sectors within the portion of the disk drive, in sequentially decreasing order, starting from an initial sector;

(B) measuring a completion time for each access; and

(C) determining parameters related to the data layout geometry of the portion of the disk drive based on the measured access times, wherein said parameters include a number of tracks per cylinder, a number of zones, a number of sectors per track in each zone, track skew, cylinder skew, and a disk drive's rotational speed. [Emphasis supplied].

Other examples of such recitation can be found in USP 6,271,878 issued on August 7, 2001 (claim 9). Similar language can be found in the claims of hundreds of patents recently issued by the USPTO. In view that such recitation appears to be allowable practice, Examiner is respectfully requested to withdraw this rejection.

Claim Rejection under 35 U.S.C. §112, Second Paragraph

Examiner rejected claims 1–5 and 7–30 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. This appears to be a new rejection by the examiner. In this new rejection, Examiner appears to state that all the currently pending claims are written in a step–plus–function format and therefore invoke 35 U.S.C. §112, Sixth Paragraph. Applicants respectfully request a reconsideration of this characterization.

Applicants respectfully submit that only those claims specifically pointed out and claimed as intended to be interpreted under 35 U.S.C. §112, Sixth Paragraph. But other claims are not to be interpreted in this way.

Claim 1 is recited as a method claim with no step–plus–function format at all.

The practice of describing in the preamble "comprising the steps of" is a traditional claim drafting practice and does not invoke step–plus–function analysis under 35 U.S.C. §112, Sixth Paragraph. See M.P.E.P. §2181. See O.I. Corp. v. Tekmar Corp., 115 F.3d 1576, 1582–83, 42 U.S.P.Q. 2d 1777, 1782 (Fed. Cir. 1997) (With respect to process claims, "[35 U.S.C. 112, sixth paragraph] is implicated only when steps plus function without acts are present.... If we were to construe every process claim containing steps described by an 'ing' verb, such as passing, heating, reacting, transferring, etc., into a step–plus–function, we would be limiting process claims in a manner never intended by Congress." (Emphasis in original removed)).

Claim Rejection under 35 U.S.C. §103(a)

Examiner rejected claims 1–5, 14–16 and 24–30 under 35 U.S.C. §103(a) as being unpatentable over Perry et al. (USP 5,241,466) in view of Smith (USP 4,956,769). Applicants respectfully reassert that the Examiner did not meet his initial burden of factually supporting a *prima facie* conclusion of obviousness under 35 U.S.C. §103(a).

Applicants present the same arguments regarding the burden of proving a *prima facie* case of obviousness and other arguments as in an earlier response to the office action. Such arguments are hereby incorporated by reference in their entireties. Applicants do so only in view that it would be a redundant effort to present the arguments previously presented to the Examiner and therefore this should not be regarded as a withdrawal of such arguments. In view that there appears to be some need for further clarification, Applicants present these additional arguments.

In the instant invention, there are different categories of a user's personal information protected by using a novel method of classification. This novel method uses multiple security levels to protect the several categories of information. The security levels are applied with any granularity. It should be noted that according to the instant disclosure, there need be no correlation between the different categories of information and the different security levels in which information objects are secured. Examiner appears to consider that the step of "assigning at least one of a plurality of security levels to each information object" recited in claim 1 was disclosed in Smith. Applicants respectfully disagree for the following reasons.

In Smith, there is no disclosure of different categories of personal information as in the present invention, (for example, medical information, financial information, etc.) and different security levels independent of the different categories of personal information. Smith does not even contemplate the need for assigning at least one of a plurality of security levels to each information object, wherein each object could comprise one containing a different category of personal information. Accordingly, a combination of Smith and Perry could not have rendered the instantly claimed invention obvious because neither Smith nor Perry had both (1) different categories of a user's personal information; and (2) different security levels that could be applied at the granularity of an individual information object (however small or however agglomerated such information object may be). Applicants therefore respectfully submit that the instant invention is markedly different from any cited references.

Similar arguments are presented in response to the rejection under 35 U.S.C. 103 of other independent claims. In view that the independent claims are believed to be patentable over the cited references, all claims presented herein are also believed to be patentable. Additionally, Applicants respectfully request that the arguments presented in a prior response to office action be referenced in light of the clarification of the features of the instant invention as provided in the foregoing.

Rejection of claims under 35 U.S.C. §102(e) in view of Rozen et al.

The instant office action includes an additional ground for rejection under 35 U.S.C. §102(e) in view of the disclosure of Rozen et al. (USP 6.073,106). Applicants respectfully traverse this rejection for the following reasons.

First, Rozen contemplates two categories of personal information and does not contemplate or disclose the step of "assigning at least one of a plurality of security levels to each information object" as claimed in the instant invention. Nothing in Rozen discusses the idea of assigning these secuirity levels in order to facilitate individually selected portions of a user's personal information to be disbursed to a requested party at any desired level of granularity. The cited text from Rozen does not indicate the existence of a plurality of security levels. It would be a hindsight—based analysis to

derive everything in the Applicants' disclosure from a tendentious reading of Rozen and applying concepts to Rozen that were not even contemplated by the inventors of that patent.

Moreover, the idea of applying security levels to information objects has been contemplated and invented by the Applicants prior to the effective filing date of Rozen. Partial evidence of this has already been submitted to the patent office in an information disclosure statement. See Masters Thesis by Naren Chaganti, dated 1992. That concept of security levels could be applied to selected and individualized portions of a user's personal information was invented by the instant applicants well before the effective filing date of the Rozen application. Applicants will submit an Affidavit to this effect if such an affidavit is required in order to allow the instant claims.

<p style="text-align:center;">Conclusion</p>

In view of the foregoing, all pending claims the instant Application are believed to be in a condition for allowance. Reconsideration and an early Notice of Allowance are respectfully requested.

Respectfully Submitted,

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<p style="text-align:center;">Certificate of Service</p>

I certify that I mailed this response on the date shown below via <u>First Class Mail</u> by depositing the same with the U.S. Postal Service, postage fully paid, and addressed to "ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231".

Date Mailed: August 23, 2001.

Naren Chaganti (Person Mailing)